

ENTERED

February 16, 2017

David J. Bradley, Clerk













**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

MICHAEL GEOFFREY PETERS,
(TDCJ-CID #2019190)

Petitioner,

VS.

LORIE DAVIS,
Respondent.

CIVIL ACTION NO. H-16-3706

MEMORANDUM ON DISMISSAL

On December 19, 2016, Michael Geoffrey Peters filed a motion for injunction in the United States District Court for the Northern District of Texas. On December 21, 2016, the Northern District construed the pleading as a petition for a writ of habeas corpus under 28 U.S.C. § 2254 and transferred it to this court. (Docket Entry No. 4). Peters argues that he never authorized the filing of a federal petition and seeks to dismiss this action. (Docket Entry Nos. 7 & 8).

The petitioner may move for a voluntary dismissal under Fed. R. Civ. P. 41(a). Rule 12 of the Rules Governing Section 2254 Cases in the United States District Courts provides that “[t]he Federal Rules of Civil Procedure, to the extent that they are not inconsistent with any statutory provisions or these rules, may be applied to a proceeding under these rules.”

Peters's letter Motions for Voluntary Dismissal, (Docket Entry Nos. 7 & 8), are GRANTED.

This case is DISMISSED without prejudice.

SIGNED at Houston, Texas, on Feb. 15, 2017.

A handwritten signature in black ink, appearing to read "Vanessa D. Gilmore", written over a horizontal line.

VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE